



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL AGENDA WORK SESSION

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Monday, February 11, 2013

5:15 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris,
Rev. Anthony Coleman, Jim King and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor Tumlin called the meeting to order at 5:22 p.m.

MINUTES:

20130105 Regular Meeting - January 7, 2013

Review and approval of the January 7, 2013 regular meeting minutes.

The January 7 minutes were amended to add a disclosure by Council member Goldstein on page 3 and 4. The revised minutes should be brought back next month for review and approval.

Tabled

20130107 Executive Session Minutes

Review and approval of the following executive session minutes:

October 8, 2012 City Council Agenda Work Session

November 1, 2012 Special Called Agenda Work Session

November 12, 2012 City Council Agenda Work Session

Review and approval of the following executive session minutes:

- October 8, 2012 City Council Agenda Work Session

A motion was made by Council member King, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

- November 1, 2012 Special Called Agenda Work Session

A motion was made by Council member King, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:

Vote: 5 - 0 - 2 Approved
Abstaining: Annette Lewis and Anthony Coleman

- November 12, 2012 City Council Agenda Work Session

A motion was made by Council member King, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

BUSINESS:

20130173

BLW Report

Council Member Johnny Sinclair gives the Board of Lights and Water (BLW) report for the meeting held on Monday, February 11, 2013.

Council member Sinclair called upon General Manager Robert Lewis to give the report on the actions of the Board of Lights and Water at their February 11, 2013 regular meeting. Finance Director Sam Lady reported on the BLW finance statements. (See the February 11, 2013 regular Board of Lights and Water meeting minutes for details.)

Reported

20130180

Legislative Update

Legislative up date from Legislative Liaison, Steve Tumlin, to include HB176, HB153. HB128 and SR 113 et al.

Reported

20130176

GWTW Museum Donations

Approval of an Ordinance amending the Fiscal Year 2013 Gone with the Wind

Museum Fund budget to appropriate donations totaling \$3,500 to purchase gift shop items to be sold at the GWTW Museum gift shop.

The motion was made by Council member Goldstein, seconded by Council member Lewis, that this matter be added to the Consent Agenda. The motion carried by the following vote:

Vote: 7 - 0 - 0

Recommended for Approval - Consent Agenda

20130126

New Car Tax Collection

Motion approving an Intergovernmental Agreement between the City and Cobb County regarding the distribution of the new car tax.

The motion was made by Council member Goldstein, seconded by Council member King, that this matter be added to the Consent Agenda. The motion carried by the following vote:

Vote: 7 - 0 - 0

Recommended for Approval - Consent Agenda

20130115

Whole Hawg Happenin BBQ

Applicant requests approval to conduct the Whole Hawg Happenin' BBQ and Music Fest, a special event focused on BBQ, music and family fun in the Marietta Square area for the second consecutive year. The applicant seeks various street closures on Saturday, September 28th and Sunday, September 29th to conduct the event. Further, the applicant seeks city sanctioning of the event again this year.

Motion authorizing the sanctioning of the Whole Hawg Happenin' BBQ and Music Festival and permitting the requested street closures Saturday, September 28 and Sunday, September 29, 2013 to conduct the event. Further, the applicant agrees to contribute 10% of the net proceeds to each of the following organizations but no less than \$1000 each: The Marietta/Cobb Museum of Art, Earl Smith Strand Theater, Marietta Museum of History, Gone With the Wind Museum, and the Boys and Girls Club of Cobb County.

The motion was made by Council member King, seconded by Council member Lewis, that this matter be added to the Consent Agenda. The motion carried by the following vote:

Vote: 7 - 0 - 0

Recommended for Approval - Consent Agenda

20130111

Intergovernmental Agreement regarding health issues

Review and approval of revisions to the Intergovernmental Agreement between City of Marietta and Cobb County Board of Health regarding health issues concerning body art and gray water.

Motion to approve the Intergovernmental Agreement regarding health issues, as amended by adding a definition regarding the titles solicitor and prosecutor.

The motion was made by Council member Goldstein, seconded by Council member Sinclair, that this matter be added to the Consent Agenda. The motion carried by the following vote:

Vote: 7 - 0 – 0

Recommended for Approval - Consent Agenda

Mayor Tumlin disclosed that Smith, Tumlin and McCurley and Patrick, PC performed legal services in real estate for the Marietta Housing Authority (MHA) including the current land purchase contract with Traton. This presents a conflict while still owned by the MHA. Mayor Tumlin then left the dais during the discussion.

Mayor Pro tem Morris presided over this portion of the meeting.

20130098

Revised Detailed Plan for Montgomery Park

Motion approving the revised Detailed Plan for Montgomery Park.

Motion to approve the revised Detailed Plan for Montgomery Park, which should include the site plan, tree plan and architectural building elevations. The design features should include a mixture of materials to continue, as appropriate onto side and rear elevations. There shall be a maximum of 20' horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc. per heated floor space level). This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.

The motion was made by Council member Goldstein, seconded by Council member King, that this matter be added to the Consent Agenda. The motion carried by the following vote:

Vote: 7 - 0 – 0

Recommended for Approval - Consent Agenda

20130158

Harold Street, Cuthbert Street, Hunt Street, and Avery Street Right of Way

Consideration to release re-purchase rights for portions of former right of way of Harold Street, Cuthbert Street, Hunt Street, and Avery Street.

Mayor Tumlin disclosed that Smith, Tumlin and McCurley and Patrick, PC performed legal services in real estate for the Marietta Housing Authority (MHA) including the current land purchase contract with Traton. This presents a conflict while still owned by the MHA.

Motion to approve the Quitclaim Deed, with an added stipulation regarding other utilities.

The motion was made by Council member Goldstein, seconded by Council member King, that this matter be added to the Consent Agenda. The motion carried by the following vote:

Vote: 7 - 0 – 0

Recommended for Approval - Consent Agenda

20121260

Kennesaw Avenue Design Guidelines

Motion to authorize advertisement for a Public Hearing regarding the adoption of Design Guidelines for the Kennesaw Avenue Historic District.

The motion was made by Council member King, seconded by Council member Sinclair, that this matter be added to the Consent Agenda. The motion carried by the following vote:

Vote: 6 - 0 – 1 Recommended for Approval - Consent Agenda
Abstaining: Philip M. Goldstein

20130092

Kennesaw Avenue and Marble Mill Road Speed Tables

Request by Councilperson Morris to consider installation of speed tables on portions of Marble Mill Road and Kennesaw Avenue.

Discussion was held regarding the installation of speed tables on Marble Mill Road near Kennesaw Avenue.

A motion was made by Council member Morris, seconded by Council member Coleman, that this matter be added to the Council agenda for approval.

Further discussion was held regarding the speed hump policy, which was recently suspended.

A substitute motion was made by Council member Chalfant, seconded by Council member King, to refer this matter back to the Public Works Committee for further discussion. The motion carried by the following vote:

Vote: 5 - 2 - 0 Approved
Voting Against: Johnny Sinclair and Andy Morris

20130157

Request by Quik Trip for a temporary construction easement across Fire Station 54 property for the construction of a sanitary sewer.

Council member Goldstein disclosed that Bill Haggeman, owner of the property referenced when discussing this item, is a tenant of his.

Motion to approve the temporary construction easement as amended to include an expiration date.

The motion was made by Council member Chalfant, seconded by Council member Lewis, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 6 – 0 – 0 Recommended for Approval - Consent Agenda
Absent for the vote: G. A. (Andy) Morris

20130174

Draft City Council Agenda

Review and approval of the February 13, 2013, DRAFT City Council Agenda.

-A motion was added to the agenda to rescind legistar number 20130069, Marietta Welcome Center Appointment (see agenda item 20130191).

-under Minutes: Agenda item 20130108 was added to the consent agenda, with Council members Lewis and King abstaining.

-under Ordinances: Agenda items 20121330, 20121329, 20130004, 20121332, 20121331 and 20130005 were added to the consent agenda.

-under Ordinances: Agenda item 20130123 should show a Public Hearing Required.

-under Judicial/Legislative: Agenda item 20130125 was added to the consent agenda and amended to read, "Motion to establish a committee comprised of (4) contractors/developers/architect, Chris Poston, Bryan Musolf, Steve Brock and Roger Caldwell, who build homes within the City limits, staff, and two council members, who shall be Philip M. Goldstein and Grif Chalfant, to propose a more definitive definition in user friendly language to define "Four (4) Sided Architecture" for our ordinance."

-under Public Works: Agenda item 20130091 was added to the consent agenda and amended to read, "Motion to proceed with the intersection traffic calming projects at Kennesaw Avenue at Tower Road, Cherokee Street at Margaret Avenue and North Avenue at Tower Road."

-under Other Business: Agenda items 20130110 and 20130180 were removed from the agenda.

-under Other Business: An item was added to the agenda regarding a Request for abatement of penalty for failure to pay property tax on time, as related to property located at 1970 Roswell Road (see agenda item 20130192).

-under Other Business: Agenda item 20130109, BLW Actions of February 11, with Council member Goldstein voting against agenda item 20130159, SyncGlobal Telecom Pole Attachment Agreement.

Discussed

20130175

Executive Session

Executive Session to discuss legal, personnel and/or real estate matters.

A motion was made in open session by Council member Goldstein, seconded by Council member King, to enter an Executive Session to discuss legal, personnel and real estate matters. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Rev. Anthony Coleman, Jim King and Philip M. Goldstein

Council member Goldstein disclosed that he, family members, and/or an entity(s) that he owns, owns property(s) on Waverly Way (along the railroad) and leases and/or owns other property between Whitlock Avenue and West Anderson Street that may possibly be part of the proposed project. Council member Goldstein left the Executive Session during some of the discussion.

Council member Sinclair disclosed that he was the realtor involved with the sale of property discussed during Executive Session.

The Executive Session was held.

A motion was made in open session by Council member Chalfant, seconded by Council member King, to exit the Executive Session. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Rev. Anthony Coleman, Jim King and Philip M. Goldstein

20130059

Appointed Officials

Appointed Officials performance and compensation review/City Manager's Employment Agreement.

Motion to approve a 2% increase for Appointed Officials as follows: City Clerk, Stephanie Guy, City Manager, Bill Bruton, Municipal Court Judge, Roger Rozen, Municipal Court Prosecutor, Robert Donovan and Utilities General Manager, Robert Lewis. Further, the contract for the City Manager shall be amended with the new salary and continue until April 14, 2014. The new salary for all appointed officials shall be retroactive to January 1, 2013.

The motion was made by Council member King, seconded by Council member Goldstein, that this matter be added to the Consent Agenda. The motion carried by the following vote:

Vote: 6 - 1 - 0 Recommended for Approval - Consent Agenda

Voting Against: G. A. (Andy) Morris

20130064

Employment Agreement - Mayor's Assistant

Review and approval of the Employment Agreement for the Mayor's Assistant.

Motion to amend the employment agreement for the mayor's assistant to provide a 2% pay increase. The new salary shall be retroactive to January 1, 2013.

The motion was made by Council member King, seconded by Council member Goldstein, that this matter be added to the Consent Agenda. The motion carried by the following vote:

Vote: 6 - 1 - 0 Recommended for Approval - Consent Agenda

Voting Against: G. A. (Andy) Morris

A motion was made by Council member King, seconded by Council member Goldstein, to add an item to the council agenda authorizing acquisition of the property at 369 Campbell Hill Street from Sara Valenzuela for the purposes of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section Project in exchange for \$4,100.00. . The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

A motion was made by Council member King, seconded by Council member Goldstein, to add an item to the council agenda authorizing acceptance of the donation of the necessary property and easements at 475 Campbell Hill Street from the Board of Lights and Water Works of the City of Marietta for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

A motion was made by Council member King, seconded by Council member Goldstein, to add an item to the council agenda approving the Contract for Sale of property from Wilson 4, LLC to the City of Marietta for property at 545/586 Kenneth E. Marcus Way in the amount of \$1.2 million from parks and recreation bond proceeds. The motion carried by the following vote:

Vote: 6 - 1 - 0 Approved
Voting Against: Anthony Coleman

ADJOURNMENT:

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Stephanie Guy, City Clerk

Approved: _____